

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
February 14, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice Chair
Kenneth Ehlers
Carter Morris
Chris Wood
Randy Bryan
Travis Kelsey
Corey Carothers
Bucky Couch

City Staff:

Francis Serna, Recording Secretary
John Foreman, Chief Planner
Christine Barton-Holmes, Chief Planner
Alison Brake, Planner
John Stanley, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:03 p.m. on Tuesday February 14, 2012 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

4. NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. 30 Minute Citizen Comment Period

Jim Garber, 104 Canyon Fork provided the Commission with a handout. Mr. Garber spoke regarding his concerns that the Traffic Impact Analysis (TIA) was submitted at the last minute. He pointed out that that TIA should be reviewed very carefully. Mr. Garber mentioned that the Hillside Ranch TIA submitted in September states that the Sessoms-Aquarena intersection functioning at a C and the build out is at a level D. He referred to the Casey project data submitted in November by Mr. Theriot that reflects current data and therefore should be used. Mr. Garber reported that the intersection is degrading and that the Casey report states the intersection is functioning at an F. Mr. Garber stated that Mr. Avila, City Engineer has said that the intersection is failing and cannot be fixed. He referred the Commission to the Land Development Code City Ordinance 7.4.3.1. He added that the report submitted by Mr. Theriot states the intersection is degrading therefore the Commission should vote no.

Melissa Derrick, 109 Kathryn Cove provided the Commission with a map that represents 1,670 signatures of citizens city wide. She told the Commission that citizens are losing faith in development of San Marcos. Ms. Derrick pointed out that citizens are seeing single family neighborhoods being destroyed by multifamily development like The Retreat. Secondly, she added with the Casey Development, people are wondering what is going on. Ms. Derrick explained that she purchased her property seven years ago because it is zoned single family. She felt that they have a strong neighborhood group that they were sure the standards would be upheld and that she was getting a good return on her investment. She added that when she was out gathering signatures people say they are afraid that they will also get a Retreat development in their neighborhood. She explained that all the signatures on the petition oppose any change to the current zoning designation within the areas bordered by Sessom Drive, Alamo Street, Chestnut Street, and Holland Street. She said they oppose rezoning single family land for Hillside Ranch Phase II at Holland and N. LBJ and rezoning any other single family neighborhoods to apartments in San Marcos. Ms. Derrick asked the Commission to call a moratorium on rezoning for apartment complexes in single family neighborhoods until the new Master Plan for San Marcos is complete.

Jaimy Brieihan, 134 E. Hillcrest stated he supports the previous testimony's about rezoning and the strong opposition to change their neighborhoods. He said he attended two of the Level of Service Meeting held by the City of San Marcos. He pointed out that he felt there were some frightening statistics regarding the apparent trend to increase the population in the next few years. He mentioned that before increasing the population we need to make sure the infrastructure is in place. Mr. Brieihan said traffic and noise is an issue but the traffic issue is enough for the Commission to vote no. He explained that he purchased his home eleven years ago and would prefer to stay in the neighborhood. He said neighbors are considering moving because of the proposed developments. Mr. Brieihan pointed out that residents in the apartments will come and go but permanent residents are here to stay.

Diane Wassenich, 11 Tanglewood said she is impressed with the neighbors doing their research and reading the agenda packets. She said she was especially impressed with Dr. Garber who found that the TIA's do not match. Ms. Wassenich stated that it is good that neighbors are paying attention and speaking to the Commission about their concerns. She made comments regarding the Hillside Ranch II project. She pointed out that most signatures are residents in the Historic Neighborhoods, Mimosa Circle and Westover areas. Ms. Wassenich referred to the City Attorney discussion and commented on how many places are currently zoned multifamily. She pointed out that there is no shortage of multifamily zoning. Ms. Wassenich also pointed out that wastewater capacity is an issue. She added that crime is also a concern in the Sagewood, Craddock area and Hillside I. She pointed out that there is more crime occurring at apartments than in residential neighborhoods.

Sherwood Bishop, 124 Elm Hill Court stated he has spoken in opposition on numerous apartment projects. He explained that Hillside Ranch II project is different and is in support of the project. He explained that people living around the apartment, Elm Hill Court, N. LBJ, Cypress Court originally opposed the idea to have apartments. Mr. Bishop explained that if apartments were not built, the neighborhood would get single family, two story houses looking down their back yards with wooden fences on their property line. He further explained that if the project is built as negotiated, they will include a 150' buffer with a trail that the applicant will provide entering into the Spring Lake Nature Preserve with public access. In addition, the applicant will provide some funding for a roundabout at the intersection of Holland and N. LBJ. He asked the Commission to support the project.

Jay Hiebert, 209 W. Sierra Circle presented a chart prepared by Laurie Moyer, Assistant City Manager titled Developed and Vacant Land by Zoning. Mr. Hiebert did not see any reason to allow rezoning for Hillside Ranch II or any neighborhoods from SF-6 to multifamily. He commented that he attended the Level of Service Meeting and expressed concerned regarding the statistics presented at the meeting. He asked the Commission to approve a moratorium on rezoning of single family until we know how we can handle the increase in population. He encouraged all to get a book by Thomas Friedman titled Hot Flat and Crowded.

Katie Schindler, 1805 Aquarena Springs spoke in support of Mr. Bishop. She explained that there have been bad experiences with The Retreat, but that the Hillside Ranch owners have made adjustments to the original site plan to make the neighbors happy. Ms. Schindler stated she is in support of the project.

Camille Phillips, Franklin Drive said she is very concerned about neighborhoods and living in single family homes. She said she would like to talk about keeping people in their homes. Ms. Phillips informed the Commission that on March 5th they will begin another course on A Matter of Balance. She explained that the course is on preventing falls in people over the age of 60. Ms. Phillips stated that the course will be on Monday and Wednesday mornings at 9:30-11:30 a.m. at First Lutheran Church, 130 W. Holland. She added that there is no charge for the course. She said people should call First Lutheran Church at 392-2064 to register. She also commented about economy and preventing injury to the elderly. Ms. Phillips asked the Commission to table or deny the Hillside Ranch request to allow the neighbors to receive additional information. She pointed out a book titled Building Healthy Communities about a way to think about walk ability, people's health and planning for the long term.

Tara Foley, 1350 N. LBJ Drive stated she is in support of Mr. Bishop and feels that the applicant has made appropriate accommodations for Hillside Ranch Phase II. She said she is a resident at Hillside Ranch and informed the Commission that residents are required to have a background check and feels that crime is not a concern. Ms. Foley said she support the project.

Jill Newman, 1805 Aquarena Springs, stated she was in support of Mr. Bishop. She explained that she has reviewed the plans and all the concessions provided by the applicant. Ms. Newman said that she felt if a single family home development was built, they would lose the wildlife aspect of the neighborhood. She stated that the proposed development is the best possible use for the property.

Steve Ramsey, Ramsey Engineering, 3206 Yellow Pine Terrace, Austin, Civil Engineer for the Hillside Ranch Phase II. Mr. Ramsey focused on engineering facts regarding surface drainage, storm water detention and impervious cover, erosion potential and water quality related to the Hillside Ranch project. He said he would be available to answer questions. Mr. Ramsey gave a brief overview of the Engineering Report he submitted.

David Wendel, 118 E. Holland thanked the City Attorney for his presentation. He referred to the rainfall in the previous weeks and pointed out that there were several issues with two previously approved development safeguards failing. Mr. Wendel explained in areas where buildings were demolished, a landslide occurred spilling mud and silt onto the street down to the Showdown Saloon. In addition, detention ponds failed sending mud onto unwanted areas. Mr. Wendel pointed out that both areas were cleaned expect for the silt in the sewers. He explained that San Marcos has all types of erratic weather and disasters. He added that the rainstorms in the last couple of days were minor and the silt fences and retention ponds on two different projects failed. He asked what are they to expect with new development along the river.

Sheran Seif, 124 Elm Hill Court stated she is in support of Hillside Ranch Apartments project. She asked the Commission for their approval of the project. Ms. Seif stated that she agrees with other citizens present and that have signed the petition. She asked the Commission to be cautious when allowing zoning changes that allow building apartments in single family residential areas. She added that the Hillside Ranch development is the right option for the neighborhood. Ms. Seif explained that the project will allow for preservation of the area closest to the neighborhood and converse the backyard views and keeping building as far away from the neighborhood as possible. She added that the developer has been extremely flexible and has met their needs and concerns. Ms. Seif asked the Commission to listen to the people that are going to be the most affected by the project. She asked the Commission for their support.

Jeff Lowe, 1255 N LBJ stated he lives within 200' of the project. Mr. Lowe expressed his concerns regarding the location of the proposed exit on the Hillside Ranch Phase II project. He pointed out that there will be an increase in traffic due to the location of the exits. Mr. Lowe added that he has problems exiting his property due to the traffic.

Cynthia Gonzales, 113 Elm Hill Court stated she lives within 200' of the project. She said she has changed her mind and is in support the request. She said the applicants have worked closely with those that live closest to the project. Ms. Gonzales said that she suggested a roundabout which is included in the design. In addition, the proposed project preserves the natural beauty of the property. Ms. Gonzales felt that an adequate buffer is being proposed. She encouraged the Commission to support the request.

Seth Katz, 225 N. Comanche, owner of Zellick's, 336 W. Hopkins updated the Commission on the renewal of Zelick's CUP. He said they have had three meeting with Mike Dillon of Crystal River Inn. He said they have agreed to have Hays County mediation to assist. Mr. Katz added that both businesses had very busy weekends with no issues. He informed the Commission that they have contacted a sound solution company, Acoustical Solutions. They found that the alternatives are quite expensive. Mr. Katz stated he is very concerned about the situation and are still looking into finding a solution. He added that they are working towards a great downtown environment.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on December 13, 2011, January 10, 2012, and January 24, 2012.

7. PC-12-01(03) (Lot 1, Kyle Hill Subdivision) Consider a request by Steve Henry to plat one lot, measuring 0.77 acre and zoned MF-24, located at 221 Ramsay Street.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Morris the Commission approved on consent to approve the minutes of the Regular Meeting on December 13, 2011; January 10, 2012; and January 24, 2012 and PC-12-01(03). The motion carried unanimously.

Public Hearing

8. CUP-12-04 (Nephew's) Hold a public hearing and consider a request by Bar Entertainment Inc. dba Nephew's for renewal of an existing Unrestricted Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 100 N. Guadalupe Street.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey the Commission approved on consent to approve CUP-12-04 with the conditions that the permit shall be valid for three (3) years, provided the standards are met, subject to the point system, doors to the exterior patio area shall only be opened as necessary for ingress and egress, no speakers or live music shall be allowed outside, and the applicant shall comply with all regulations regarding occupant load, ingress and egress, and sprinkler coverage as directed by the Fire Marshal. The motion carried unanimously.

9. CUP-12-05 (Cool Mint Café) Hold a public hearing and consider a request by Cool Mint, Inc., for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 415 Burleson Street.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bryan, the Commission voted eight (8) for and one (1) against to approve CUP-12-05 with the conditions that the permit is valid for a period of one year, provided all standards are met, subject to the point system. Commissioner Couch voted no. The motion carried.

10. CUP-12-06 (Lone Star Deli) Hold a public hearing and consider a request by Sage Outdoor Services, L.L.C. dba Lone Star Deli, for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 3941 South IH-35, Suite 112.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris the Commission approved nine (9) for and (0) none against to approve CUP-12-06 with the conditions that the permit is valid for a period of one year, as the business transitioned from a walk up concession stand to a sit down restaurant, provided standards are met, subject to the point system, no open containers of alcohol shall be issued for off-premise consumption, and signs remain posted where seating is located and at the purchase window stating that it is prohibited for open containers of alcohol to be taken off premise. The motion carried unanimously.

Non-Consent Agenda:

11. Presentation from staff and discussion regarding the North LBJ Capital Improvement Project.

12. LUA-11-23 (Hillside Ranch Phase 2) Consider a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a land use map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for 10.925 acres located at 1410 N. LBJ Drive.

13. ZC-11-37 (Hillside Ranch Phase 2) Consider a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a zoning change from Single Family Residential (SF-6) to Multi-Family-12 (MF-12) for 10.925 acres located at 1410 N. LBJ Drive.

14. PDD-11-11 (Hillside Ranch Phase 2) Consider a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a Planned Development District Overlay (PDD), with a base zoning of Multi-Family-12 (MF-12) for 10.925 acres located at 1410 N. LBJ Drive.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Carothers, the Commission voted seven (7) for and two (2) against to approve LUA-11-23, ZC-11-37 and PDD-11-11. Commissioners Seebeck and Kelsey voted no. The motion carried.

15. Suggestions for future agenda items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

16. Development Services Report.

1. Board and Commission Reception

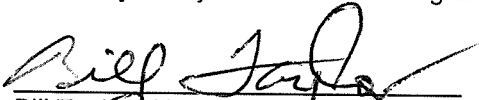
2. Annual Report

17. Questions from the Press and Public.

Jane Hughson suggested to the Commission that they table incomplete application submittals. She explained applicants will learn that incomplete applications are not acceptable once their request have been tabled a few times.

18. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 8:21 p.m. on Tuesday, February 14, 2012.


Bill Taylor, Chair


Chris Wood, Commissioner


Kenneth Ehlers, Commissioner


Travis Kelsey, Commissioner


Bucky Couch, Commissioner

ATTEST:


Francis Serna, Recording Secretary


Curtis Seebeck, Vice Chair


Randy Bryan, Commissioner


Carter Morris, Commissioner


Corey Carothers, Commissioner